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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,528

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EXAMINER

PEREZ, ANGELICA

ART UNIT

PAPER NUMBER

2618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,528	<b>Applicant(s)</b> KORHONEN ET AL.	
	<b>Examiner</b> ANGELICA M. PEREZ	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 6/2/2008 have been fully considered but they are not persuasive.

2. In the remarks, the applicants argues in substance:

(A) "...neither this section nor anywhere else in Suuronen describes a device with a drive means having an electric signal induced therein where the device is moved in a way that causes the moveable means to move and where the induced signal in the drive means is used to control the device...Suuronen describes a control circuit that detects...However, there is no suggestion that the induced current is used to control operation of the device. “; “Suuronen fails to disclose or suggest using an induced current created by movement of a device as a way for device operations to be controlled.”

In response to argument (A), the examiner would like to point out where, in deed, Suuronen's invention detects an induced current and determines the “magnitude and quality” of movement of the device. However, it also controls the operation of the device according to the “magnitude and quality” of movement of the device. At least paragraphs 10-11, 18-20 read, “A third advantageous application of the present invention is to control other functions and properties of a mobile communications device according to the device's kinetic state detected by a motion detector...The mobile communication device can be set to make an alarm call or send a short message to a predetermined number as soon as it detects movement...”. Where the

**induced electric current** would produce a voltage, the voltage is measured and compared to a threshold value, a “1” or “0” value indicating if the device is **moving or not**. Then, the device is **controlled** accordingly. Therefore, indirectly, “the induced current is used to **control** the operation of the device.”

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 12 are recite the limitation “drive means” in lines 5-6, 7 and 5, 7, respectively. There is insufficient antecedent basis for this limitation in the claims.

Amendment to claims 1, 11 and 12 rejected under 35 U.S.C. 112, second paragraph, regarding the limitation “without using...corresponding manual input means”, has been accepted. Therefore, the rejection has been withdrawn.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Suuronen, Heikki (Suuronen, EP 0973138 A2).

Regarding claims 1, 11 and 12, Suuronen teaches of a user interface, an electronic actuator and portable telecommunication device for providing operational

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input to a telecommunication device without using keys, the user interface comprising (paragraphs 4, 5, 7, 10 and 11, where kinetic movement is a form of input to operate or control the functions of the device): an electromechanical actuator (paragraph 12, e.g., "vibrating alarm") including an electrical drive means provided with supply means for electrical power (paragraph 12, e.g., "electric motor") and a movable means arranged in relation to the drive means in such a way that the movable means performs a mechanical movement when electrical power is supplied to the drive means (paragraphs 12, where the "...as the electrical motor rotates...causes the device...to vibrate."), and a sensing unit, for sensing the induced electrical signal (paragraph 12, "the motion detector of the mobile communication device...small movement...is detected on the basis of the electrical current induced...), characterized in that the user interface further comprises: a control means (paragraph 12, e.g., "control, for controlling a desired operation of portable telecommunication device by means of the signal induced in the electrical drive means (paragraph 15, "electric motor...rotates an axle 103 in response to a command from the control block 104...").

Regarding claim 2, Suuronen teaches all the limitations of claim 1. Suuronen further teaches where the control means, includes means for providing a control signal used for switching a function on/of (paragraphs 18 and 19, e.g., "on/off"; where the controller changes the switch according to a voltage threshold).

Regarding claim 3, Suuronen teaches all the limitations of claim 1. Suuronen further teaches where the control means, includes means for providing a control signal used for switching the telecommunication device to a specific mode (paragraphs 4, 8

and 11, where the different functions can correspond to different modes, e.g. emergency mode, paging mode, radiotelephone mode, etc.).

Regarding claim 4, Suuronen teaches all the limitations of claim 1. Suuronen further teaches where the control means includes means for stopping the movable means in such a position that makes it possible for it to move when the portable telecommunication device is moved (paragraph 12, “when the electric motor is not rotating the axle, the axle and its eccentric mass move freely under the influence of external forces exerted on the mass.”)

Regarding claim 5, Suuronen teaches all the limitations of claim 1. Suuronen further teaches where the control means includes means for stopping the movement of the movable means before the portable telecommunication device is switched to an induced electrical signal operation mode (paragraphs 12 and 16, “when the vibrating alarm is not alarming”, when it has been stopped by the controller. “...it is possible to transfer from the electric motor 102 to the control block 104 information about currents induced...”).

Regarding claim 6, Suuronen teaches all the limitations of claim 1. Suuronen further teaches where the control means includes means for providing an identification signal for informing the user that the portable telecommunication device is switched to an induced electrical signal operation mode (paragraph 22, “...to notify the user that the alarm threshold has been reached).

Regarding claim 7, Suuronen teaches all the limitations of claim 1. Suuronen further teaches where the sensing unit, includes means for providing an identification

signal identifying the direction of movement of the movable means (paragraph 13, “kinetic’s state changes in different directions”).

Regarding claims 8 and 13, Suuronen teaches all the limitations of claims 1 and 12, respectively. Suuronen further teaches where the electromechanical actuator is a rotating electric motor, provided with rotating eccentric means (paragraph 12, “electric motor...eccentric mass on its axle”).

Regarding claims 9 and 14, Suuronen teaches all the limitations of claims 1 and 12, respectively. Suuronen further teaches where the electromechanical actuator is a linear electric actuator provided with coil means and a moving magnetic core (paragraph 18, “inducing a small electric current in the windings of the electric motor”).

Regarding claim 10, Suuronen teaches all the limitations of claim 1. Suuronen further teaches where the sensing unit comprises an amplifier and a threshold unit whereby a control signal is generated in the control unit when the voltage exceeds a predefined threshold voltage (paragraph 19, “amplifier 207” and “voltage signal produced by an amplifier 207 is greater than a predetermined threshold value”).

Regarding claim 15, Suuronen teaches all the limitations of claim 12. Suuronen further teaches of a keypad coupled to the controller (figure 1, where generally keypads are coupled to the controller).

Regarding claim 16, Suuronen teaches all the limitations of claim 15. Suuronen further teaches where the portable telecommunication device is a cellular phone (paragraph 2, where “mobile communication devices” include cellular phones).

Regarding claim 17, Suuronen teaches all the limitations of claim 12. Suuronen further teaches where the portable telecommunication device is moved in a way corresponding to shaking the portable telecommunications device (paragraph 20, e.g., “if the apparatus containing the vibrating alarm moves very sharply...” corresponding to “shaking the portable device”).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 6:00 a.m. - 2:00 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

/P. M. A./  
Examiner, Art Unit 2618

August 25, 2008

/Matthew D. Anderson/  
Supervisory Patent Examiner, Art Unit 2618